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Trustee in Bankruptcy
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**THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
MODESTO DIVISION**

In re:
GONZALES, MARTIN & YOLANDA

Debtor(s).

Case No.: 10-90735
DC NO.: MDM-1
Chapter 7
Date: August 25, 2010
Time: 10:30 a.m.
Place: 1200 "I" Street, Ste. 4
Modesto, CA 95354
Judge: Hon: Ronald H. Sargis

MOTION TO ABANDON REAL PROPERTY

TO: THE HONORABLE U.S. BANKRUPTCY JUDGE:

MICHAEL D. McGRANAHAN, the duly qualified and acting Trustee in this case, pursuant to 11 U.S.C. § 554 (a) and Bankruptcy Rule 6007, respectfully represents:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1134 and § 157 (a). On March 1, 2010, the debtors filed a petition under Chapter 7 and MICHAEL D. McGRANAHAN was appointed as Trustee. On April 8, 2010 the First Meeting of Creditors was held and concluded as an Asset Case.

2. Among the assets which constitute property of the estate is the real property commonly described as:

- 1 **A. 5205 Cottage Lane, Salida, CA, 95368 ("Property A")**
2 **B. 5304 Rulon Court, Salida, CA 95368 ("Property B")**
3 **C. 536 Cormorant Drive, Modesto, CA, 95354 ("Property C")**
4 **D. 2118 Dominic Ave., Hughson, CA 95326 ("Property D")**

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6 3. The aforementioned properties have the following values and encumbrances:

<u>PROPERTY</u>	<u>VALUE</u>	<u>DEBT</u>
Property A	\$83,000	\$80,000
Property B	\$110,000	\$124,700
Property C	\$150,000	\$362,600
Property D	\$250,000	\$315,000

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13 4. Property A, B, C, and D listed above, taking into account mortgages, liens,
14 debtor exemptions, and costs of sale, have no equity for the benefit of the estate. Therefore,
15 said Properties are over-encumbered and burdensome to the estate.

16 5. The estate would potentially suffer detrimental tax consequences should the
17 Properties be foreclosed upon during the pendency of the case.

18 **WHEREFORE**, the Trustee requests the Court to examine the facts and
19 circumstances in connection with this matter, and authorize the Trustee to abandon the
20 above-described real property back to the debtors on the grounds it is burdensome and of
21 inconsequential value to the estate, and for such other and further relief as the Court may
22 deem just and proper.

23 DATED: July 28, 2010

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26 /s/ Michael D. McGranahan
MICHAEL D. MCGRANAHAN
Trustee
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